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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,066	03/13/2000	MARK D. HETHERINGTON	CE08291R	6510

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EXAMINER

HAN, CLEMENCE S

ART UNIT PAPER NUMBER

2665

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/524,066

Applicant(s)

HETHERINGTON ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 28, 30 and 32 (Page 5 Line 27). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezaiifar et al. (US Patent 6,408,003) in view of Saeijs et al. (US Patent 5,596,581).

In regarding to claim 1, Rezaiifar discloses a method of receiving a plurality of data frames 70 with data frame sequence identifier 72. Rezaiifar also discloses sequencing the plurality of data frames according to the data frame sequence identifiers to form a data frame sequence (Figure 3). Rezaiifar also discloses the steps of determining a valid frame sequence parameter (Column 8 Line 52-58). Rezaiifar also discloses the steps of validating the data frame sequence using the valid frame sequence parameter (Column 8 Line 58 – Column 9 Line 4). Rezaiifar, however, does not teach the steps of identifying an omitted data frame nor inserting a place holder frame for the omitted data frame. Saeijs discloses the steps of identifying an omitted data frame and the steps of inserting a place holder frame for the omitted data frame (Figure 8c). It would have been obvious to one skilled in the art to modify Rezaiifar to insert a place holder frame for the omitted frame as taught by Saeijs in order to keep the data frame sequence synchronized.

In regarding to claim 2, Rezaiifar discloses the steps of modifying the data frame sequence responsive to the data frame sequence parameter (Column 8 Line 58 – Column 9 Line 4).

In regarding to claim 3, Rezaiifar discloses the steps of characterize valid data frame as invalid data frame responsive to the data frame sequence parameter (Column 8 Line 58-61).

In regarding to claim 4, Rezaiifar disclosed receiving the next data frame sequence before the steps of validating the data frame sequence (Column 7 Line 20-22).

In regarding to claim 5, Rezaiifar discloses a method of receiving a plurality of RLP data frames 70. Rezaiifar also discloses sequencing the plurality of RLP data frames according to the data frame sequence identifiers 72 to form a data frame sequence (Figure 3). Rezaiifar also discloses the steps of determining a valid frame sequence parameter (Column 8 Line 52-58). Rezaiifar also discloses the steps of validating the data frame sequence using the valid frame sequence parameter (Column 8 Line 58 – Column 9 Line 4). Rezaiifar, however, does not teach the steps of identifying an omitted data frame nor inserting a place holder frame for the omitted data frame. Saeijs discloses the steps of identifying an omitted data frame and the steps of inserting a place holder frame for the omitted data frame (Figure 8c). It would have been obvious to one skilled in the art to modify Rezaiifar to insert a place holder frame for the omitted frame as taught by Saeijs in order to keep the data frame sequence synchronized.

In regarding to claim 6, Rezaiifar discloses the steps of modifying the data frame sequence responsive to the data frame sequence parameter (Column 8 Line 58 – Column 9 Line 4).

In regarding to claim 7, Rezaiifar discloses the steps of characterize valid data frame as invalid data frame responsive to the data frame sequence parameter (Column 8 Line 58-61).

In regarding to claim 8, Rezaiifar disclosed receiving the next data frame sequence before the steps of validating the data frame sequence (Column 7 Line 20-22).

In regarding to claim 9, Rezaiifar discloses a method of receiving a plurality of RLP data frames 70. Rezaiifar also discloses passing the frame to a RLP data layer 174. Rezaiifar, however, does not teach identifying a suspect frame and reclassifying the suspect frame. Saeijs discloses the steps of identifying an omitted data frame and the steps of inserting a place holder frame for the omitted data frame (Figure 8c). It would have been obvious to one skilled in the art to modify Rezaiifar to reclassifying the suspect frame as taught by Saeijs in order to keep the data frame sequence synchronized.

Allowable Subject Matter

4. Claim 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 17-19 are allowed.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to related communication system.

U.S. Patent 6,507,582 to Abrol

U.S. Patent 6,088,342 to Cheng et al.

U.S. Patent 5,844,885 to Grob et al.

U.S. Patent 5,526,366 to Jarvinen et al.

U.S. Patent 6,335,933 to Mallory

U.S. Patent 6,389,016 to Sabaa et al.

U.S. Patent 6,581,176 to Seo

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Friday 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Clemence Han
Examiner
Art Unit 2665

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal line extending to the right.

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600